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ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC. (erroneously sued and served herein as FREEMONT EMERGENCY SERVICE, INC.)

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOAN G. LOZOYA, Plaintiff, v. ERIC J. ANDERSON, M.D.; LINDSY BLAKE, M.D.; HOSPITAL CORPORATION OF AMERICA, INC.; MOUNTAIN VIEW HOSPITAL; FREEMONT EMERGENCY SERVICE, INC.; ALEXANDRA E. PAGE, M.D.; KAISER FOUNDATION HEALTH PLAN, INC.; KAISER PERMANENTE and DOES 1 through 30, inclusive, Defendants.	CASE NO. 07CV-2148IEG (WMC) **ORDER:** **(1) GRANTING JOINT MOTION TO DISMISS EMTALA CLAIM AGAINST DEFENDANTS ERIC ANDERSON AND FREMONT EMERGENCY SERVICES (Doc. No. 26); and** **(2) DEFENDANTS ANDERSON AND FREMONT'S MOTION TO DISMISS EMTALA CLAIM (Doc. Nos. 12 & 13).**

Good cause having been shown therefor:

IT IS ORDERED that Plaintiff, JOAN G. LOZOYA'S First Cause of Action for a violation of 42 U.S.C. § 1395dd *et al*, the Emergency Medical Treatment and Active Labor Act (EMTALA), in her First Amended Complaint be dismissed with prejudice as to Defendants, ERIC ANDERSON, M.D. and FREMONT EMERGENCY SERVICES, INC., per the stipulation signed by these parties.

The Court finds that the stipulation between the parties did not involve collusion, fraud, or tortious conduct by the parties, their principals, or their agents. The Court further finds that the dismissal of this cause of action is proper as a claim for violation of EMTALA may only be brought against hospitals, not physicians or medical groups such as these Defendants, Eric Anderson, M.D., and Fremont Emergency Services, Inc.

According, the Court GRANTS the joint motion (Doc. No. 26) and GRANTS Defendants Eric Anderson and Fremont Emergency Services's motion to dismiss (Doc. Nos. 12 & 13).

DATED: May 28, 2008

Irma E. Gonzalez

HONORABLE IRMA E. GONZALEZ, CHIEF JUDGE
UNITED STATES DISTRICT JUDGE